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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,480	08/18/2003	Nobuyuki Enomoto	MA-582-US	3814

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EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2467

MAIL DATE	DELIVERY MODE
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06/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,480	Applicant(s) ENOMOTO ET AL.	
	Examiner SABA TSEGAYE	Art Unit 2467	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) 4-10, 15-30, 34-40, 45-57, 60, 63, 66-71, 79 and 84 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 11-13, 41-43, 58, 59, 61, 65, 72, 73, 76, 77, 80 and 83 is/are allowed.
- 6) ☒ Claim(s) 31-33, 81 and 82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/28/10 has been entered.

Election/Restrictions

2. Claims 4-10, 15-30, 34-40, 45-57, 60, 63, 66-71, 79 and 84 should be canceled as they are withdrawn from consideration.

Claim Objections

3. Claims 1, 3, 31, 33, 58, 59, 72, 73 and 80-83 are objected to because of the following informalities:

Claim 1, line 7, it is not clear whether “the spanning tree” refers to a new spanning tree or the existed spanning tree.

Line 8, it is not clear whether “a spanning tree” refers to the same spanning tree cited in line 3.

Claim 3, lines 6 and 7, it is not clear whether “the spanning tree” refers to a new spanning tree or the existed spanning tree.

Claim 31, line 8, it is not clear whether “a spanning tree” refers to the same spanning tree cited in line 5.

Claim 31, line 11, it is not clear whether “the spanning tree” refers to a new spanning tree or the existed spanning tree.

Claim 33, line 6, it is not clear whether “a spanning tree” refers to the same spanning tree cited in line 4.

Claim 33, line 9, it is not clear whether “the spanning tree” refers to a new spanning tree or the existed spanning tree.

Claim 58, line 8, it is not clear whether “the spanning tree” refers to a new spanning tree or the existed spanning tree.

Claim 58, line 9, it is not clear whether “a spanning tree” refers to the same spanning tree cited in line 4.

Claim 59, line 5, it is not clear whether “a spanning tree” refers to the same spanning tree cited in line 3.

Claim 59, line 8, it is not clear whether “the spanning tree” refers to a new spanning tree or the existed spanning tree.

Claim 72, line 5, it is not clear whether “a spanning tree” refers to the same spanning tree cited in line 3.

Claim 72, line 8, it is not clear whether “the spanning tree” refers to a new spanning tree or the existed spanning tree.

Claim 73, line 5, it is not clear whether “a spanning tree” refers to the same spanning tree cited in line 3.

Claim 73, line 8, it is not clear whether “the spanning tree” refers to a new spanning tree or the existed spanning tree.

Claim 80, line 9, it is not clear whether “a logical topology” refers to the same logical topology cited in line 3.

Claim 81, line 9, it is not clear whether “a logical topology” refers to the same logical topology cited in line 2.

Claim 82, line 10, it is not clear whether “a logical topology” refers to the same logical topology cited in line 3.

Claim 83, lines 8-9, it is not clear whether “a logical topology” refers to the same logical topology cited in line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31-33, 81 and 82 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In accordance with the new USPTO’s “Interim Patent Subject Matter Eligibility Examination Instructions” issued on August 24, 2009, 101 rejections will be applied if the claimed computer readable medium (even storage medium, for example) is not clearly defined to exclude non-statutory transitory media such as signals or transmission media. In order to give patentable weight to a computer readable medium claim, the medium must be non-transitory.

Allowable Subject Matter

5. Claims 1-3, 11-13, 41-43, 58, 59, 61, 65, 72, 73, 76, 77, 80 and 83 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SABA TSEGAYE whose telephone number is (571)272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saba Tsegaye
Examiner
Art Unit 2467

/S. T./
Examiner, Art Unit 2467
/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2467